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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KEVIN BRATCHER,

Plaintiff,

v.

POLK COUNTY; CITY OF SALEM;
DEPUTY MICHAEL H. SMITH, in his
individual capacity, and DOES 1-4, in their
individual capacity,

Defendants.

Case No.: 3:20-cv-02056-SB

**DECLARATION OF COUNSEL
AMANDA L. REILLY IN SUPPORT OF
PLAINTIFF'S RESPONSE TO
COUNTY DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

I, Amanda L. Reilly, hereby declare under penalty of perjury that the following is true and correct:

1. I am one of the attorneys for plaintiff in the above-captioned matter. I make this declaration in support of Plaintiff's Response to County Defendants' Motion for Summary Judgment. I make this declaration based upon my own personal knowledge and my review of the files related to this matter.

2. Attached hereto as **Exhibit 1** and incorporated herein by this reference is a true and correct copy of excerpts of the transcripts from the deposition of plaintiff Kenneth Bratcher taken on September 30, 2021.

3. Attached hereto as **Exhibit 2** and incorporated herein by this reference is a true and correct copy of excerpts of the transcripts from the deposition of defendant Michael H. Smith taken on November 19, 2021.

4. Attached hereto as **Exhibit 3** and incorporated herein by this reference is a true and correct copy of excerpts of the transcripts from the deposition of Chas A. Galusha taken on November 19, 2021.

5. Attached hereto as **Exhibit 4** and incorporated herein by this reference is a true and correct copy of excerpts of the transcripts from the deposition of Jason W. Donner taken on November 19, 2021.

6. Attached hereto as **Exhibit 5** and incorporated herein by this reference is a true and correct copy of the citation Deputy Michael H. Smith issued to Plaintiff on September 6, 2019.

7. Attached hereto as **Exhibit 6** and incorporated herein by this reference is a true and correct copy of excerpts from the Polk County Sheriff's Office Memorandum from Sgt. Tyrone Jenkins to Lt. Dustin Newman, dated September 23, 2019 regarding Case #19-2068 and the events that took place on September 6, 2019.

8. Attached hereto as **Exhibit 7** and incorporated herein by this reference is a true and correct copy of the Polk County Sheriff's Office Quarterly Evaluation for Defendant Michael Smith, dated September 25, 2019.

9. Attached hereto as **Exhibit 8** and incorporated herein by this reference is a true and correct copy of the Polk County Sheriff's Office Inter-Office Memorandum from Sgt. Jason Ball to Defendant Michael Smith on August 13, 2020.

10. Attached hereto as **Exhibit 9** and incorporated herein by this reference is a true and correct copy of the Polk County Sheriff's Office Policy Manual, Policy 302 "Handcuffing and Restrains," which was in affect and available to Defendant Michael Smith on September 6, 2019.

11. Attached hereto as **Exhibit 10** and incorporated herein by this reference is a true and correct copy of the Polk County Sheriff's Office Policy Manual, Policy 426 "Foot Pursuits," which was in affect and available to Defendant Michael Smith on September 6, 2019. Exhibit 10 was marked and introduced as Exhibit 1 during Defendant Michael Smith's deposition on November 19, 2021.

12. Attached hereto as **Exhibit 11** and incorporated herein by this reference is a true and correct copy of the Polk County Sheriff's Office Policy Manual, Policy 300 "Use of Force," which was in affect and available to Defendant Michael Smith on September 6, 2019.

13. Attached hereto as **Exhibit 12** and incorporated herein by this reference is a true and correct copy of video footage from plaintiff's Ring camera from September 6, 2019 at 10:04:27 PDT.

14. Attached hereto as **Exhibit 13** and incorporated herein by this reference is a true and correct copy of video footage from plaintiff's Ring camera from September 6, 2019 at 11:10:02 PDT.

15. Attached hereto as **Exhibit 14** and incorporated herein by this reference is a true and correct copy of video footage from plaintiff's Ring camera from September 6, 2019 at 11:11:11 PDT.

16. Attached hereto as **Exhibit 15** and incorporated herein by this reference is a true and correct copy of video footage from plaintiff's Ring camera from September 6, 2019 at 11:17:25 PDT.

I hereby declare that the above statements are true to the best of my knowledge and belief, and I understand that it is made for use as evidence in a court of law and is subject to penalty of perjury.

Respectfully submitted this 29th day of March, 2022.

/s/ Amanda L. Reilly
Amanda L. Reilly, OSB# 194422
LAFKY & LAFKY

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of March, 2022, I served the foregoing
**DECLARATION OF COUNSEL AMANDA L. REILLY IN SUPPORT OF PLAINTIFF'S
RESPONSE TO COUNTY DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**, on
the following party(ies) at the following address(es):

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*Attorney for Defendant Polk County and
Deputy Michael H. Smith*

- ☐ by **mailing** a true and correct copy thereof, certified by me as such, placed in a sealed envelope addressed as set forth above, and deposited in the U.S. Post Office at Portland, Oregon on said day with postage prepaid;
- ☐ by causing a true and correct copy thereof to be **hand delivered** in sealed envelopes to said addresses on the date set forth above.
- ☐ by **faxing** a true and correct copy thereof to the fax numbers shown for said addresses on the date set forth above.
- ☐ by sending a full, true and correct copy thereof via **overnight mail** in a sealed, prepaid envelope, addressed to the attorneys as shown above on the date set forth above.
- ☒ by submitting said document via **electronic mail**, a copy thereof was served on the parties above.

Dated this 29th day of March, 2022.

/s/ Amanda L. Reilly

Amanda L. Reilly, OSB #194422